

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

MISC. CIVIL APPLICATION NO. 406 OF 2022

Pritesh Prakash Kamat ...Applicant

Versus

Mrs. Maithili Pritesh Kamat ...Respondent

Yugandhara M. Gaonkar Advocate for the Applicant
Santosh Pawar Advocate for the Respondent

CORAM : S. G. DIGE, J.

DATE : 9th DECEMBER, 2022.

P.C. :

1. Heard learned counsel for the applicant and learned counsel for the respondent. Learned counsel for the applicant submits that applicant has filed divorce petition which is pending before the Bandra Family Court whereas the respondent has filed the proceedings under Domestic Violence Act which is pending before Metropolitan Magistrate Court, Mulund. Hence, proceeding before the Metropolitan Magistrate Court, Mulund be transferred to

Bandra Family Court as it would be convenient for the court to decide both the petitions together. Applicant seeking divorce on the basis of cruelty.

2. Learned counsel for the respondent strongly objected for transfer of the application on the ground that in the proceedings before the Metropolitan Magistrate Court, Mulund the matter has reached for the final hearing for deciding the interim maintenance. If it gets transferred to the Family Court, Bandra, it will be delayed, there is no reason to transfer the petition pending before the Metropolitan Magistrate Court, Mulund to the Family Court, Bandra.

2. I have heard both learned counsel. This application is filed by husband for transfer of proceeding. The proceeding pending before the Metropolitan Magistrate Court, Mulund is under Domestic Violence Act. The matter is reached for final hearing of maintenance application. I find no reason to club these two matters at Family Court, Bandra. The Bandra Family Court is already overburdened with other matters. Hence, I pass following order.

ORDER

1. Application is dismissed and disposed of.

(S. G. DIGE, J.)